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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,718	02/13/2001	Steven P. Hamilton	15879-13	1023

53123 7590 02/23/2006

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EXAMINER

LOWE, MICHAEL S

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/782,718

Applicant(s)

HAMILTON, STEVEN P.

Examiner

M. Scott Lowe

Art Unit

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-45, 53, 55 and 57 is/are pending in the application.
- 4a) Of the above claim(s) 23-44 and 53 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22, 45, 55, 57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 13 November 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Election/Restrictions

This application contains claims 23-44 and 53 drawn to an invention nonelected with traverse in Paper No. 7/9/02. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 22,45,55,57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Casey (US 4,696,484) in view of Speier (US 5,228,712).

Casey teaches a method for transporting a vehicle that is not limited to the type of vehicle transported but does not specifically mention a cycle. Speier teaches transporting a cycle, including use of front 14 and rear chocks 20 to support the cycle wheels. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Casey by the teaching of Speier to transport cycles (including the appropriate cycle orientation) to increase versatility and thus have front 14 and rear chocks 20 to support the cycle wheels.

As modified above by Speier, Casey teaches a method for transporting a cycle, comprising:

positioning a first cradle bar 24 substantially parallel to a longitudinal axis defined by a first wheel T and a second wheel T;

positioning a second cradle bar 26 opposite said first cradle bar 24 and substantially parallel to the longitudinal axis defined by the first wheel T and the second wheel T;

placing a first front chock 14 substantially adjacent to a front side of the first wheel to define a first position, wherein the first front chock is releasably coupled to the first and second cradle bars, and the first cradle bar is releasable from the second cradle bar;

securing the first front chock 14 in the first position;

placing a front rear chock 20 substantially adjacent to a back side of the second wheel T to define a second position, wherein the first rear chock 20 is releasably coupled to the first and second cradle bars 24,26;

securing the first rear chock 14 in the second position; and

coupling a dolly (not specifically numbered, see figures) to a first end of each of the first and second cradle bars extending from the first front chock so that the dolly is on the front side of the first wheel.

Re claim 45, Casey teaches coupling second dolly (not specifically numbered, see figures) to a second end of each of the first and second cradle bars extending from the first rear chock said dolly having an actuator 82 and a pair of arms 56,58, each of said arms having a pivotal end and a free end, said pivotal end of each of said arms pivotally coupled to the actuator.

Conclusion

Applicant's arguments with respect to the claims have been considered but are mostly moot in view of the new ground(s) of rejection.

Applicant's arguments filed 12/7/05 have been fully considered but they are not persuasive.

Applicants regarding Speier do not to apply since Speier is only used as a secondary reference as a general teaching of transporting a cycle with chocks. Casey clearly teaches the cradle bars being releasable and parallel.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Scott Lowe whose telephone number is (571) 272-6929. The examiner can normally be reached on 6:30am-4:30pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

msl



EILEEN D. LILLIS
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